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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ZACHERY WILLIAMS, MICHAEL MA,
and JOHN DITEMAN, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

TESLA, INC. and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 4:20-cv-08208-HSG

**PLAINTIFFS' CASE MANAGMENT
STATEMENT**

Judge Assigned: Hon. Haywood S. Gilliam, Jr.

PROCEDURAL SUMMARY

On November 20, 2020, Plaintiff Zachery Williams filed his complaint, Dkt. 1, alleging claims against Defendant Tesla for : (1) violation of the California Consumer Legal Remedies Act, Cal. Civ. Code § 1750, et seq. (“CLRA”); (2) violation of the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, et seq. (“UCL”); and (3) violation of the California False Advertising Law, Cal. Bus. & Prof. Code § 17500, et seq. (“FAL”). On November 25, 2020, Plaintiffs Williams, and Michael Ma filed an Amended Complaint. (Dkt. 7.) On June 21, 2021, the Court granted Tesla’s motion to dismiss Ma’s claims with leave to amend several of the claims. (Dkt. 44.)

On July 19, 2021, Plaintiffs Williams and Ma filed their Second Amended Complaint (“SAC”), adding Plaintiff John Diteman. (Dkt. 49.) On March 28, 2022, the Court granted Tesla’s motion to dismiss Plaintiff Ma’s claims with leave to amend. (Dkt. 64.)

On April 18, 2022, Plaintiffs filed their Third Amended Complaint (“TAC”). (Dkt. 65.) On May 2, 2022, Defendant filed a Motion to Dismiss Plaintiff Ma’s claims only. On August 29, 2022, following the completion of briefing on the motion to dismiss, the Court vacated the hearing and took the motion under submission. (Dkt. 73.) On January 27, 2023, the Court granted Defendant’s motion, dismissing all of Plaintiff Ma’s claims without leave to amend. (Dkt. 74.) The Court further ordered the parties to submit a joint case management statement by February 2, 2023. (*Id.*)

At present, Plaintiff Ma’s claims have been dismissed and Plaintiff Ma has only to wait for judgment to be entered. Plaintiff Williams and Plaintiff Diteman’s claims remain pending with Defendant having previously indicated that it intends to move to compel arbitration of these Plaintiffs’ claims.

PLAINTIFFS WILLIAMS AND DITEMAN’S INTENDED ACTION

The parties previously submitted to the Court that the Court’s ruling on the motion to dismiss Plaintiff Ma’s claims could impact whether Tesla’s motion to compel Plaintiffs Williams’ and Diteman’s claims to arbitration needs to be presented to the Court. Following review of the substance of the Court’s order granting Defendant’s motion to dismiss Plaintiff Ma’s claims, and after meeting and conferring with counsel for Defendant, it is Plaintiffs Williams and Diteman’s intention not to require

1 Defendant to file a motion to compel arbitration of Plaintiffs' claims but, rather, to dismiss their pending
2 claims in their entirety without prejudice.

3 Upon the filing of the notices of dismissal, the only procedural step remaining for this court to
4 take will be the entry of judgment as to Plaintiff Ma, pursuant to the Court's order granting Defendants'
5 motion to dismiss.

6 Dated: February 2, 2023

Respectfully submitted
McCUNE LAW GROUP, APC

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8 By: /s/ David C. Wright
9 David C. Wright
10 Attorneys for Plaintiffs
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